

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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DEAN F. HATCH and  
MARYBETH HATCH,

Plaintiffs,

v.

TRAIL KING INDUSTRIES, INC.)

Defendant.

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CIVIL ACTION NO. 07-12005

**COMPLAINT AND DEMAND FOR JURY TRIAL**

1. This is an action for personal injury arising from an accident in Hyannis, Massachusetts, on February 1, 2007. This Court has jurisdiction of the action pursuant to 28 U.S.C. § 1332 based upon diversity of citizenship. The plaintiffs are from Massachusetts, the defendant is from South Dakota, and the amount in controversy exceeds \$100,000.00.

2. The plaintiff, Dean F. Hatch, resides at 158 West Street, Granby, Massachusetts and is a citizen of that state. At all times material hereto, Dean F. Hatch worked as a senior truck driver for Advanced Drainage Systems, Inc. ("ADS") in Ludlow, Massachusetts.

3. The plaintiff, Marybeth Hatch, is the lawful spouse of Dean F. Hatch and resides with him at 158 West Street, Granby, Massachusetts and is a citizen of that state.

4. The defendant, Trail King Industries, Inc. is a duly constituted corporation, and is a citizen of South Dakota. At all times material hereto, the defendant's business included manufacturing, assembling, and selling trailers.

5. The Defendant, Trail King Industries, Inc. manufactured and assembled a trailer designed for transport of drain pipes. The trailer has hydraulically operated gates which contain the pipes in transport and open to off-load the pipes. The subject trailer was sold to ADS which assigned it to Dean F. Hatch as a delivery driver.

6. On February 1, 2007, while Dean F. Hatch was utilizing the subject trailer in making a delivery of 20 foot twelve inch plastic drain pipe in Barnstable, Massachusetts, the trailer gate gave way causing the 900 pound gate and the load of pipes to strike and severely injure Dean F. Hatch.

7. The accident resulted in whole or in part from the negligence and breach of warranty on the part of the defendant providing a defectively designed and manufactured trailer and in failing to adequately instruct, direct or warn users to ensure safe use of the trailer. The hydraulic system was defectively designed so as to permit the gates to fall freely when hydraulic pressure dropped below a safe level. The trailer lacked any means for drivers to identify or recognize dangerous hydraulic problems before commencing the unloading process. The design of the trailer required drivers to be in a position of peril in the path of the gate during the unloading process. The trailer lacked adequate safety devices to protect drivers from the hazard of a freefalling gate.

8. As a result, the plaintiff, Dean F. Hatch, suffered serious injuries, including a severe and permanent disability, was prevented from transacting his business, suffered great pain of body and mind, and incurred expense for medical attention and hospitalization. As a result, Marybeth Hatch suffered loss of consortium.

**FIRST CAUSE OF ACTION**

9. The First Cause of Action is an action by Dean F. Hatch against Trail King Industries, Inc. for negligence resulting in personal injury.

**SECOND CAUSE OF ACTION**

10. The Second Cause of Action is an action by Dean F. Hatch against Trail King Industries, Inc. for breach of warranty resulting in personal injury.

**THIRD CAUSE OF ACTION**

11. The Third Cause of Action is an action by Marybeth Hatch against Trail King Industries, Inc. for negligence and/or breach of warranty resulting in loss of consortium.

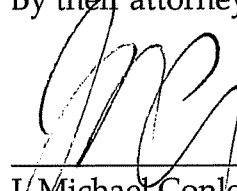
**WHEREFORE**, the plaintiffs, Dean F. Hatch and Marybeth Hatch, demand judgment against the defendant, Trail King Industries, Inc., in an amount that is fair, together with interest and costs, and any other relief to which they may be entitled.

**PLAINTIFFS DEMAND A TRIAL BY JURY.**

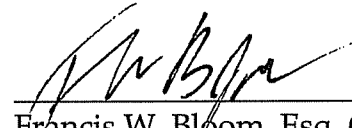
Respectfully submitted,

**DEAN F. HATCH and  
MARYBETH HATCH,**

By their attorneys,



J. Michael Conley (BBO# 094090)  
Kenney & Conley, P.C.  
100 Grandview Road  
Post Office Box 9139  
Braintree, MA 02185-9139  
Telephone: (781) 848-9891



Francis W. Bloom, Esq. (BBO#046400)  
Law Office of Francis W. Bloom  
85 Post Office Park  
Wilbraham, MA 01095  
Telephone: (413) 596-2040

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